

REMARKS

By the present amendment, Applicant proposes to cancel Claims 1-9 and amend Claims 10 and 11. Upon entry of the proposed amendment, independent Claims 10 and 13, with Claims 11-12 and 14 depending therefrom, respectively, will remain for consideration.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held February 23, 2005. The present response summarizes the substance of the interview. At the interview, the difference between the Applicant's presently claimed leash and the applied prior art to Greves, as well as the other references, were discussed.

Claim 1 set forth a retractable leash having a housing, a spool, a roll of electroluminescent wire, and a power excitation supply. The housing has a grip for handling. The spool is spring-biased and is rotatably supported in the housing. The roll of electroluminescent wire is wound around the spool and is extendable from the housing. The wire has a free end adapted for attachment to a pet collar. The power excitation supply has an electric output, and includes a DC to AC power inverter. The electric output is selectively connected to one end of the electroluminescent wire. Upon the electroluminescent wire receiving electric power excitation at the electric output, the electroluminescent wire emits illumination continuously along the entire length thereof.

Claim 10 set forth a retractable leash having a housing, a spool, a roll of electroluminescent wire, a stop mechanism, a printed circuit board, and an inverter. The spool spring-biased and is rotatably supported in the housing. The roll of electroluminescent wire is wound around the spool and is extendable from the housing. The wire has a free end

adapted for attachment to a pet collar. The stop mechanism engages the spool and blocks the extending out or winding up of the electroluminescent wire about the spool. The printed circuit board is centrally mounted to a lateral surface of said spool, such that the printed circuit board rotates in conjunction with said spool. The inverter inverts DC electrical power to AC electrical power, and has an electric output connected to an end of the electroluminescent wire for providing an electric excitation.

Arguments were advanced that applied prior art reference to Greves did not provide an adequate teaching of a retractable leash having the electroluminescent features set forth by the present claims. In addition, Greves specifically did not disclose the specific limitations set forth in independent Claim 10, wherein the circuit board is set forth as having the inverter being mounted on the spool for excitation of the electroluminescent leash wire.

The Examiner indicated that the features disclosed on page 14 of the specification should be incorporated into independent Claim 1 in order to patentably distinguish the same over the applied prior art references. Applicant's representative noted that such changes would overly limit the broadest possible interpretation of the claims. Further, such features have already been presented in allowed independent Claim 13. Applicant's representative reiterated the argument that the electroluminescent wire serving as the leash is not shown in any of the applied prior art references, and based solely on this feature independent Claim 1 sufficiently distinguished Applicant's invention over the applied prior art reference to Greves.

With respect to independent Claim 10, the Examiner indicated that the feature recited in Claim 11, if incorporated into independent Claim 10 would serve to distinguish Claim 10 over the prior art of record.

In the Final Office Action dated December 3, 2004 the Examiner rejected Claims 1-7, and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Greves in view of LoCascio. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Greves in view of LoCascio, and further in view of Feldman. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Greves in view of Feldman. These rejections are respectfully traversed. The Examiner indicated that Claims 13 and 14 were allowed.

During the interview, the Examiner indicated that Claim 10 would be allowable if rewritten in independent form including the limitation of Claim 11. Claim 10 has been rewritten to recite that the battery holder is mounted to the printed circuit board. This claim amendment defines the embodiment over the prior art of record.

Applicant proposes to cancel Claims 1-9 to expedite prosecution of the present application. The cancellation of the instant claims serves to render the prior art grounds of rejection moot.

The applied primary prior art reference to Greves discloses a pet leash having two basic embodiments. The first embodiment utilizes a conventional single length strap type leash having an illumination material attached to, or embedded in, for providing an illuminated leash of a fixed length. The second embodiment utilizes a conventional retractable leash having a housing. The exterior of the housing has an illumination device attached to the exterior surface thereof. There is no disclosure found in the Greves patent that would have led one having ordinary skill in the art to provide an electroluminescent wire as the extendable leash line in the retractable embodiment. Further, there is no guidance nor motivation found in either of the applied secondary references to LoCascio,

and Feldman that support the Examiner's contention that one having ordinary skill would have found it obvious to make the extendable leash out of the electroluminescent wire.

Applicant has revised claims in this application to more particularly define Applicant's unique construction in view of the prior art of record. In addition, Applicant has presented arguments establishing a case for non-obviousness with respect to the applied prior art references. Applicant respectfully submits that for at least these reasons, Claims 10-12 are allowable over the prior art applied of record, along with previously indicated allowable Claims 13 and 14. Reconsideration of the claims in light of the amendments and for the foregoing reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard C. Litman
Registration No. 30,868
(703) 486-1000

RCL:DHT:wse